Can legal marketers use technology to predict behavior?

The Marketing Partner Forum 2015 proved to be full of introductions, to new ideas and new friends. One topic in particular generated a lot of buzz: predictive analytics (PA). I wasn't the only participant learning about prediction analysis based on big data; many of the attendees spoke with enthusiasm afterward about the impact that this technology-driven tool could have on their law firm marketing efforts.

Keynote speaker Eric Siegel, Ph.D., renowned author, educator and founder of Predictive Analytics World, delivered an interesting and fascinating overview of the impact that our daily decisions have upon desired results and how – once we know the facts – we can create a positive change. I left his presentation with the realization that the world of big data is one that every marketing professional should, at the very least, be aware of.

How Are Predictive Analytics Used?

While Siegel didn't make a direct connection to the legal industry per se, the presentation offered several examples of how PA is helping businesses – large and small – analyze their data to drive revenue and achieve other bottom-line goals.

One of the main uses of PA is its ability to provide in-depth market insights. In fact, many Fortune 500 companies are using the data they collect to track and influence consumer behavior. This is interesting indeed for legal marketers.

"I can certainly appreciate the consumer marketing applications that predictive analytics offers. It will be interesting to see if this kind of data can be applied to legal marketing," said Paul Webb, chief marketing officer of Kleinberg, Kaplan, Wolff & Cohen, P.C.

Other sessions also touched on this sentiment. "Predictive analytics create a competitive advantage, but is not yet used effectively in the field of law, creating opportunity," said Daniel Lewis, co-founder and CEO, Ravel Law, speaking of innovation in the legal industry in later session.

While some law firms do already use predictive analytics in their practices, including in the application of early-case assessment software and certain e-discovery tools, it's not widespread. And when it comes to legal marketing, PA is uncharted territory.

Telling Stories Through Data

We can already see how law firms' corporate and government clients are successfully using PA. An example that could be useful for an employment lawyer: The U.S. Postal Service used analytical approaches to predict which workers' compensation claims and

Vivian Hood
Owner/CEO
Public Relations
904.220.1915
vhood@jaffepr.com

payments are unwarranted, contributing to a $9.5 million savings, as noted in Siegel's book, "Predictive Analytics: The Power to Predict Who Will Click, Buy, Lie or Die."

Siegel's book provides dozens of similarly interesting examples. Perhaps law firms can borrow from some of these case studies to improve the sales process. For example, IBM Canada uses predictions to know whether planned sales-oriented events will meet attendance goals with 83 percent confidence. This helps answer the critical question: "If we host the party, will enough people show up?"

Other thought-provoking and colorful discoveries determined through predictive analytics show us that vegetarians miss fewer flights, diaper purchases influence beer purchases and the inclination to buy varies during the time of day. For instance, the peak for online retailer purchases happens at 8 p.m. while the peak for finance purchases is at 1 p.m.

"Data is always predictive," said Siegel. "Data always has a story to tell.

Enter the experience (the data) into a format that technology can assemble to predict the future behavior of individuals. But it's a trial-and-error process to produce the golden egg, the knowledge gained, the predictive model.

"Predictions then drive decisions and positive outcomes, but you don't need to predict very accurately to drive great value. Predictions that are better than guessing are very effective. A little prediction goes a long way."

Correlation vs. Causation

While we know that data is always predictive, Siegel did caution that it is important to note that *correlation* does not imply *causation*.

Yes, it's a fact that there is a correlation between smokers having fewer cases of carpal tunnel syndrome. But *why*? The data only show the correlation. One guess is that smokers take more breaks from their computers, but there could be another reason.

Another factual correlation is between increased ice cream consumption and more shark attacks. Do we taste sweeter after having eaten ice cream? Unlikely, but Siegel says we don't usually know the if-then causation when applying PA, and we often don't need to care. "Prediction trumps explanation." We just need to apply what we know about correlation to predict behaviors or outcomes, even if we do not know the causal relationship, without understanding why, he said.

Predictions for PA

PA drives millions of decisions every day. Good law firm marketers will need to better understand what information to gather and how to use technology to effectively interpret that data to develop a strategy for a predicted outcome. With a bit of insight and understanding, perhaps there are a number of ways that legal marketers can explore how predictive analytics can help make a positive change in the firm, whether it involves changing lawyers' attitudes about marketing, digital advertising strategies or business development opportunities.

I'm looking forward to reading Siegel's book more thoroughly and thinking about how I can apply it to the marketing strategies and counsel we provide to our law firm clients. But first, I'm going to look into a crystal ball and make a prediction: Predictive analytics is something that law firm marketers will start to give serious consideration to. Who will be the first to offer their experiences and case studies over the next few years?

Share your thoughts in the comments below, or contact me, Vivian Hood, at vhood@jaffepr.com.